



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,774	08/06/2003	Kazutoshi Suto	Q76594	6849

23373 7590 05/31/2005
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

AUSTIN, MELISSA J

ART UNIT PAPER NUMBER

1745

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,774

Applicant(s)

SUTO, KAZUTOSHI

Examiner

Melissa Austin

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are pending in this application after the preliminary amendment submitted 7 April 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 3 are rejected under 35 U.S.C. 103(a) over Kodak (Kodak Easyshare DX3215 Digital Camera User's Guide). Kodak discloses a digital camera into which multiple types of batteries (Pg. 68, 70) may be loaded to power the device. The batteries are loaded through in to a battery chamber through a loading gate located on an exterior surface of the camera opposite a chamber wall. A battery door (lid) opens and closes the loading gate. (Pg. 3, 47). Kodak discloses the invention except for a second loading gate on a second exterior surface perpendicular to first exterior surface and facing a second chamber wall that is opened and closed by a second lid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second loading gate with lid, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Additionally, on of ordinary skill in the art would

Art Unit: 1745

recognize the necessity of contacts on the chamber wall in order to complete the electrical circuit for supplying power to the device.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) over Kodak (Kodak Easyshare DX3215 Digital Camera User's Guide) in view of Brockel et al. (U.S. Patent No. 6,459,176). Kodak teaches the elements of claim 1 as discussed above and incorporated herein and also teaches contacts located on the battery door (lid) and the cells inserted into the chamber in a row (Pg. 3). However, Kodak does not disclose a plurality of circular holes formed in the loading gate through which the cells are inserted. Brockel et al. disclose a battery compartment with a chamber. In the opening of the chamber is an insert having a plurality of apertures through which the batteries are inserted. The compartment is opened and closed with a door. The insert can be changed to accommodate the type of battery being used, including commercially available primary batteries or rechargeable cells. (Fig. 1A, Col. 3, ll. 60 - Col. 4, ll. 14). One of ordinary skill in the art at the time the invention was made would understand that the insert through which the batteries are inserted would provide stability for the batteries and assist in keeping them in alignment with electrical contacts. Therefore, one of ordinary skill in the art at the time the invention was made would have provided a loading gate with a plurality of circular holes through which the batteries are inserted into the chamber as taught by Brockel et al. in the battery loading device disclosed by Kodak in order to provide battery stability and positioning assistance.

5. Claim 6 is rejected under 35 U.S.C. 103(a) over Kodak (Kodak Easyshare DX3215 Digital Camera User's Guide) in view of Brockel et al. (U.S. Patent No.

Art Unit: 1745

6,459,176). Kodak and Brockel et al. teach the elements of claim 5 as discussed above and incorporated herein. Kodak and Brockel et al. disclose the invention of claim 6 except for a plurality of circular holes arranged in a row in the first chamber wall with contact segments arranged at the back of the holes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of circular holes in the first chamber wall as had been provided in the loading gate, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. There would be a reasonable expectation that holes provided in the chamber wall would only increase the stability of the batteries in the chamber and their alignment with the contacts on the first wall.

6. Claim 7 is rejected under 35 U.S.C. 103(a) over Kodak (Kodak Easyshare DX3215 Digital Camera User's Guide) in view of Brockel et al. (U.S. Patent No. 6,459,176), as evidenced by *Handbook of Batteries* (Linden). Kodak and Brockel et al. teach the elements of claim 5 as discussed above and incorporated herein; however, neither reference discloses the use of a secondary battery with a perpendicular or plate-like shape. One of ordinary skill in the art at the time the invention was made would have recognized the availability of such shaped secondary batteries and the possibility of their use in such an electronic device. Table 22.3 of *Handbook of Batteries* lists the characteristics of major secondary batteries, including the shape (under "Major battery types available"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for use of such perpendicular or plate-like

Art Unit: 1745

shaped batteries in the battery chamber as taught by Kodak and Brockel et al. in order to allow usage of secondary batteries as known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Austin whose telephone number is (571) 272-1247. The examiner can normally be reached on Monday - Thursday, alt. Friday, 7:15 AM - 4:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mja
Melissa Austin
Patent Examiner
Art Unit 1745


PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER